

**FILED**

**BEFORE THE  
LABOR AND INDUSTRIAL RELATIONS COMMISSION  
JEFFERSON CITY, MISSOURI**

**JUL 23 2004**

**LABOR AND INDUSTRIAL  
RELATIONS COMMISSION**

**In the matter of:      Objection to General Wage Order No. 48, as it pertains to the Occupational Title of "Operating Engineer" of Operating Engineers Local 513, said Objection pertaining to the entire geographic jurisdiction of Operating Engineers Local 513, which includes the following Counties: Franklin, Jefferson, St. Charles, Lincoln, Warren, and the City and County of St. Louis.**

**On Behalf of:      International Union of Operating Engineers, Local 513**

**Objector.**

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**OBJECTION**

COMES NOW International Union of Operating Engineers, Local 513 (hereinafter "Objector"), and files its Objection to General Wage Order No. 48 and states therefore as follows:

1.      International Union of Operating Engineers, Local 513 is an unincorporated association representing members who perform work in the construction trades and specifically under the Occupational Title of "Operating Engineer" throughout the state of Missouri of the type covered by Section 290.210, R.S.Mo., *et seq.* (the "Missouri Prevailing Wage Law"). These individual union members also perform work of the type at issue in this Objection on a regular basis. Through well-established precedent the Objector has historically been permitted to represent the interests of its members before the Labor and Industrial Relations Commission, as have other unincorporated associations, on matters of objections to proposed General Wage Orders.

2.      A review of the applicable collective bargaining agreements and construction practice throughout the State of Missouri, and specifically within the objected to counties which constitute the entire geographic jurisdiction of the International Union of Operating Engineers, Local 513, and of the Missouri Prevailing Wage law, and of 8 C.S.R. 30-3.060, promulgated pursuant to that Law,

reveals that a change must be made in the overtime rate schedules to bring the proposed General Wage Order into conformity with the prevailing wage, general practice and collective bargaining agreement of Objectors, it is proposed that the following addition be made to the overtime rate schedule of General Wage Order No. 48 for the objected to counties, constituting the entire geographic jurisdiction of Operating Engineers Local 513:

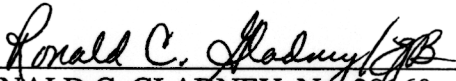
“Shifts may be established when considered necessary by the Employer. Shift hours and rates will be as follows. First shift: the First Shift shall consist of eight (8) hours of work plus one-half hour unpaid lunch beginning between the hours of 6:00 a.m., and 9:00 a.m., and ending eight and one half (8-1/2) hours thereafter. The Second Shift shall consist of eight hours of work plus one-half hour for unpaid lunch and shall commence eight and one-half (8 1/2) hours after the beginning of the First Shift. The Third Shift shall consist of 8 hours of work plus one-half (1/2) hour for unpaid lunch, and shall commence eight and one-half (8 1/2) hours after the beginning of the Second Shift.”

The First Shift will be paid at eight (8) hours straight time for 8 hours' work. The Second Shift will be paid at eight 8 hours straight time plus \$2.50 per hour for 8 hours' work, said additional pay being in the nature of overtime for Second Shift work. The Third Shift shall be paid eight (8) hours straight time, plus \$3.50 per hour for eight (8) hours' work, said additional pay being in the nature of overtime for Third Shift work. Payment for shift work shall be determined on the basis of when an employer first begins his shift operation, i.e., the shifts which begin on Friday morning and end on Saturday morning will be paid at straight time; the shifts which begin on Saturday morning and end on Sunday morning will be paid at time and one-half; the shifts which begin on Sunday morning and end on Monday morning will be paid at double time, all said pay being considered in the nature of overtime. Employees working predominantly during the normal work day shall receive First Shift pay; employees working predominantly during the evening hours shall receive Second Shift pay; employees working predominantly during the early morning hours shall receive Third Shift pay. All such shift pay shall be considered as in the nature of overtime and Second and Third Shift shall commence only during the time periods described herein. Nothing herein prohibits the working of any shifts at greater than 8 hours with excess hours to be paid at overtime rate.

3. The proposed change to General Wage Order No. 48 is reflective of the Objector's collective bargaining agreement with signatory employers which agreement prevails throughout the geographic jurisdiction of Objector.

WHEREFORE, it is respectfully requested that the Labor and Industrial Relations Commission consider favorably the Objection of Objector and amend the overtime rate schedule on General Wage Order No. 48 to reflect the practice, collective bargaining agreement, and prevailing wage rates throughout the geographic jurisdiction of Objector and for such other changes as are deemed appropriate.

BARTLEY GOFFSTEIN, L.L.C.

  
RONALD C. GLADNEY, No. 28160  
4399 Laclede Avenue  
St. Louis, Missouri 63108  
Telephone: 314-531-1054  
Facsimile: 314-531-1131  
Attorneys for Objector

**CERTIFICATE OF SERVICE**

An original and two (2) copies of the foregoing was served on Pamela Hofmann, Administrative Secretary, Labor and Industrial Relations Commission, 3315 West Truman Boulevard, P.O. Box 599, Jefferson City, Missouri 65102-0599, by **Overnight Mail**; and a copy was served on the following individuals by placing same, postage prepaid, in the U.S. mails this 22<sup>nd</sup> day of July, 2004:

Colleen Baker, Director  
Division of Labor Standards  
3315 West Truman Boulevard  
P.O. Box 449  
Jefferson City, Missouri 65102-0449

Michael Pritchett, Assistant Attorney General  
Attorney General's Office  
Broadway State Office Building  
221 West High Street, 4th Floor  
P.O. Box 899  
Jefferson City, Missouri 65102-0899

